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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

NATASHA R. DAY,

Plaintiff,

vs.

KILOLO KIJAKAZI,¹
Acting Commissioner of Social Security,

Defendant.

Case No.: 2:20-cv-02147-DJA

**DEFENDANT'S NOTICE REGARDING
PRODUCTION OF CERTIFIED
ADMINISTRATIVE RECORD**

¹ Kilolo Kijakazi became the Acting Commissioner of Social Security on July 9, 2021. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Kilolo Kijakazi should be substituted, therefore, for Andrew Saul as the defendant in this suit. No further action need be taken to continue this suit by reason of the last sentence of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g).

1 Defendant, Acting Commissioner of Social Security (Commissioner), by her undersigned attorneys,
 2 provides notice to the Court and Plaintiff that an electronic copy of the certified administrative record (e-
 3 CAR) has been prepared and can now be filed in this matter. However, the Commissioner advises the
 4 Court that, at this time, the Office of Appellate Operations (OAO) is not working at full capacity at its
 5 official worksite in Falls Church, Virginia. A limited number of staff is now permitted to physically enter
 6 the office to work on a very limited basis. While the e-CAR has been prepared, OAO is still unable to
 7 provide CD and hard copies of the CAR—which has typically been required in this Court—with any
 8 regularity, given the limited staff and overall volume of cases.

9 While the Commissioner typically files the e-CAR under seal, as required by the Court, this filing
 10 is only accessible to the Court and not by the parties through CM/ECF. However, it is Defendant's
 11 counsel's understanding that a new event has been added to CM/ECF which will allow the Commissioner
 12 to file the e-CAR under seal and all case participants will have access to the e-CAR. Accordingly, the
 13 Commissioner requests that he be permitted to file the e-CAR under seal using this new event ("Certified
 14 Administrative Record under seal") and be relieved of the requirement of preparing CD/hard copies of the
 15 CAR. This will allow Plaintiff to access the e-CAR through CM/ECF and for the case to move forward
 16 without delay.

17 If the Court does not wish to relieve Defendant of the requirement to prepare CD/hard copies of the
 18 CAR, the Commissioner sees no other option than to wait until OAO regains the capacity to provide these
 19 additional copies of the CAR, which may possibly require seeking another extension, which requires that
 20 the Commissioner file the CAR by August 16, 2021. Defendant, however, is ready and able to move
 21 forward at this time by filing the e-CAR under seal on CM/ECF.

22 Dated: August 16, 2021

Respectfully submitted,

23 **IT IS SO ORDERED.**

CHRISTOPHER CHIOU
 Acting United States Attorney

24 DATED: August 17, 2021

25 /s/ Sathya Oum
 SATHYA OUM
 Special Assistant United States Attorney

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 UNITED STATES MAGISTRATE JUDGE

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~~IT IS SO ORDERED:~~

~~UNITED STATES MAGISTRATE JUDGE~~

DATED: _____

CERTIFICATE OF SERVICE

I, the undersigned, am a citizen of the United States and am at least eighteen years of age. My business address is 160 Spear Street, Suite 800, San Francisco, California 94105. I am not a party to the above-entitled action. On the date set forth below, I caused service of **DEFENDANT'S NOTICE REGARDING PRODUCTION OF CERTIFIED ADMINISTRATIVE RECORD** on the following parties by electronically filing the foregoing with the Clerk of the District Court using its ECF System, which provides electronic notice of the filing:

Cyrus Safa
Law Offices of Lawrence D. Rohlfing
12631 E. Imperial Highway, Suite C-115
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Cyrus.Safa@rohlflinglaw.com
Attorney for Plaintiff

I declare under penalty of perjury that the foregoing is true and correct.

Dated: August 16, 2021

/s/ Sathya Oum
SATHYA OUM
Special Assistant United States Attorney